



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,677	05/26/2000	John Edmund Ahern	GB9-2000-0076-US1	3625
45541 7590 07/13/2007 HOFFMAN WARNICK & DALESSANDRO LLC 75 STATE ST 14TH FLOOR ALBANY, NY 12207			EXAMINER ANYA, CHARLES E	
			ART UNIT 2194	PAPER NUMBER
			MAIL DATE 07/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/579,677

Applicant(s)

AHERN ET AL.

Examiner

Charles E. Anya

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3/MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/19/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9, 11, 12 and 14-17 is/are rejected.
- 7) ☒ Claim(s) 7, 10 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

1. Claims 1-17 are pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-6,8,9,11,12 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,529,932 B1 to Dadiomov et al. in view of U.S. Pat. No. 5,956,710 to Yarom.**

4. As to claim 1, Dadiomov teaches a method for simplifying control of a group of computer programs within a group of cooperating communication managers, which access computer system resources held in computer system memory ("...local resource manager..." message queue..." Col. 1 Ln. 57 – 67, Col. 2 Ln. 1 – 7, figures 2/6 (MQ Managers) Col. 4 Ln. 51 – 67, Col. 5 Ln. 1 – 58, Col. 10 Ln. 30 – 67), the method including the steps of: providing connection services to each computer program within the group of computer programs (Ack. Queue 132, Status Queue 112/182, Queue 78, Trans Queue 162, Non-Trans Queue 164, Foreign Queue 172) to enable access to a shared access memory that is accessible to each of the group of cooperating

Art Unit: 2194

communication managers (“...connector computer...” Col. 2 Ln. 8 – 21, “...routes...” Col. 7 Ln. 31 – 54, figure 6 Col. 10 Ln. 31 – 67); providing a set of command target qualifiers specifically identifying at least one of the group of cooperating communication managers to which a command should be targeted (Message ID 122 Col. 7 Ln. 55 – 64, “...message...” Col. 10 Ln. 36 – 44), wherein the set of command target qualifiers includes at least one command target qualifier indicating that a single command should be targeted to members of the group of cooperating communication managers (“...sending application can send multiple request messages to different receivers at one time...” Col. 4 Ln. 43 – 50, figure 6 “...message...” Col. 10 Ln. 36 – 67).

Dadiomov is silent with respect to providing a set of scope definitions of the command for association with respective computer system resources, which are used by the at least one of the group cooperating communication managers for processing data to determine the scope of access and change rights for the computer system resources and for determining whether computer system resources should be stored in said shared access memory, and for identifying computer system resources to which a command is to be applied by reference to their associated scope definitions.

Yarom teaches providing a set of scope definitions of the command for association with respective computer system resources, which are used by the at least one of the group cooperating communication managers for processing data to determine the scope of access and change rights for the computer system resources and for determining whether computer system resources should be stored in said shared access memory, and for identifying computer system resources to which a

Art Unit: 2194

command is to be applied by reference to their associated scope definitions

("...query..." Col. 5 Ln. 23 – 35, Col. 5 Ln. 66 – 67, Col. 6 Ln. 12 – 36, Ln. 54 – 59, Col. 7 Ln. 32 – 35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Dadiomov with the teaching of Yarom because the teaching of Yarom would improve the system of Dadiomov by determining whether a user application has sufficient authority or privileges to execute a particular system calls to either read or write data (Yarom Col. 6 Ln. 12 – 22).

5. As to claim 2, Yarom teaches a method according to claim 1 wherein respective ones of said set of scope definitions are associated with respective computer system resources in response to setting of a scope parameter during a computer system resource creation operation ("...holds..." Col. 6 Ln. 17 – 22).

6. As to claim 3, Yarom teaches a method according to claim 1, wherein said set of scope definitions include a shared scope option for association with respective computer system resource, said shared scope definition determining that the respective computer system resource should be stored in said shared access memory and should be accessible to all cooperating communication managers in said group (Col. 6 Ln. 56 – 59, Col. 7 Ln. 32 – 35).

7. As to claim 4, Yarom teaches a method according to claim 3, further comprising saving a computer system resource to said shared access memory in response to specifying a shared scope during creation of the computer system resource (Col. 6 Ln. 56 – 59, Col. 7 Ln. 32 – 35).

8. As to claim 5, Yarom teaches a method according to claim 1, wherein said set of scope definitions include a group scope option for association with respective computer system resources, said group scope option determining that the respective computer system resources should be stored in said shared access memory (Col. 6 Ln. 12 – 22, Col. 6 Ln. 56 – 59, Col. 7 Ln. 32 – 35).

Dadimov teaches that copies of said respective computer system resources should be created and stored in local storage of each cooperating communication manager in said group of cooperating communication managers (Step 208 "...stores..." Col. 6 Ln. 62 – 64, Col. 11 Ln. 1 – 5).

9. As to claim 6, see the rejection of claims 1-4 above.

10. As to claim 8, Dadiomov teaches a command interface according to claim 6, wherein said command target qualifier has at least a first specifiable parameter value, indicating that a command should be applied to all members of the group of cooperating communication manager ("...sending application can send multiple request messages to different receivers at one time..." Col. 4 Ln. 43 – 50, Message ID 122 Col. 7 Ln. 55 –

Art Unit: 2194

64, "...message..." Col. 10 Ln. 36 – 44) and a second specifiable parameter value indicating that a command should be targeted of an individual cooperating communication manager of the group of cooperating communication managers ("...sending application can send multiple request messages to different receivers at one time..." Col. 4 Ln. 43 – 50, Message ID 122 Col. 7 Ln. 55 – 64, "...message..." Col. 10 Ln. 36 – 44, Col. 12 Ln. 10 -18).

11. As to claims 9 and 11, see the rejection of claim 6.

12. As to claim 12, see the rejection of claims 1 and 2 above.

13. As to claim 14, Dadiomov teaches the method of claim 1, wherein the cooperating communication managers are queue managers ("...local resource manager..." Col. 1 Ln. 57 – 67, Col. 2 Ln. 1 – 7, figure 2 Col. 4 Ln. 57 – 67, Col. 5 Ln. 4 – 19, figure 6 MQ Manager).

14. As to claim 15, Dadiomov teaches the command interface of claim 9, wherein the cooperating communication managers are queue managers, and wherein the at least one computer program is a queue ("...local resource manager...MQ..." Col. 1 Ln. 57 – 67, Col. 2 Ln. 1 – 7, figure 2 Col. 4 Ln. 57 – 67, Col. 5 Ln. 4 – 19, figure 6 MQ Manager).

15. As to claims 16 and 17, see the rejection of claim 15 above.

Allowable Subject Matter

16. Claims 7, 10 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 4/19/07 have been fully considered but they are not persuasive.

Applicant argues in substance that (1) is difficult to interpret the office action because the rejection includes several cited passages of the prior art, (2) the Yaom prior art does not teach or suggest computer system resources to which a command is to be applied, (3) the Dadiomov and Yarom prior arts are not analogous because Dadiomov's message is a network message while Yarom's message is a query, (4) the Dadiomov prior art does not teach that its destination ID may include an indication that the message is to be sent to all queues and (5) none of the cited references teaches that the cooperating communication managers are queue managers and none of the cited references teach that the computer program is a queue.

Examiner respectfully traverses Applicant's arguments:

As to point (1), the Examiner acknowledges citing several passages from the cited references. The multiple cited passages are used to reference all applicable teaching of the prior arts.

As to point (2), the Yarom prior art includes a database that stores user identification, privileges and access rights for determining whether a user application has sufficient authority or privileges to execute a particular system calls to either read or write data. The set of scope definitions are used by the at least one of the group cooperating communication managers for processing data to determine the scope of access and change rights for the computer system resources. The Yarom prior art teaches a least computer system memory to which a user would be seeking the read or write request to, thus allowing the Yarom prior art to provide computer system resources.

As to point (3), it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the Dadimomov prior art discloses a method and system for processing distributed transactions that integrates the execution of operations of a transaction on separate computers with the exactly once in-order message delivery of a message queuing system to allow the transaction operations to be performed atomically and asynchronously. The Yarom prior art discloses a database interface including a queue manager coupled to a request queue, the queue manager

receives database query and generates response to the database request/query. For at least the reason that the both the Dadimov and Yarom prior art are asynchronous means for satisfying a request, the two references are analogous.

As to point (4), it seems that Applicant ignored the passage the Examiner relied upon in rejecting this claim limitation. Although the “message ID” of the Dadimov prior art does not explicitly disclose an indication that the message is to be sent to all queues, the Dadimov prior art does teach this limitation. The cited passage indicates that a “sending application could send multiple request messages to **different receivers** at one time” (Col. 4 Ln. 43 – 50), which implies that a sending application could send, in a single command, messages to different receivers.

As to point (5), Applicant makes these assertions but fails to point out how the cited passages do not meet or cover the claimed invention. The Dadiomov prior art including its figures is replete with the queue and queue managers. The Examiner does not understand what other specificity Applicant requires besides the cited figures in addition with cited passages.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Anya whose telephone number is (571) 272-3757. The examiner can normally be reached on M-F (8:30-6:00) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-Ai can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles E Anya
Examiner
Art Unit 2194

cea.



WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER